

The motion of Mr. Van Zandt prevailed and the House accordingly, at 4:45 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Highways and Motor Traffic: House bills Nos. 492, 582, 553, 3 and 286.

Penitentiaries: House bill No. 602.

Labor: House bills Nos. 398 and 572.

Appropriations: Senate bill No. 286.

Criminal Jurisprudence: House bills Nos. 472, 357, 598, 511, 520, 595, 325 and 581; Senate bills Nos. 26, 2 and 137.

Revenue and Taxation: House bills Nos. 513, 384 and 527.

Public Health: Senate bill No. 49.

Judiciary: House bill No. 584.

Judicial Districts: Senate bills Nos. 449 and 426.

Agriculture: Senate bill No. 251.

Public Lands and Buildings: Senate bills Nos. 257 and 232.

Live Stock and Stock Raising: House bill No. 498; Senate bill No. 359.

The following committees have today filed adverse reports on bills, as follows:

Penitentiaries: House bills Nos. 602 and 7.

Criminal Jurisprudence: House bill No. 264.

Judiciary: House bills Nos. 590, 39 and 29.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 9, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 16, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the blacklands region of Texas, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said board of directors to establish and maintain the same, to accept donations of land, water and money for the establishment of said station, making an appropriation to pay

the cost of establishing said station and for the operation of same; and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 9, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 75, A bill to be entitled "An Act defining the jurisdiction of the Court of Civil Appeals, and to amend Articles 1819 and 1824 of the Revised Civil Statutes of 1925,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

TWENTY-FOURTH DAY.

(Monday, February 11, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Forbes.
Ackerman.	Gates.
Adkins.	Gerron.
Albritton.	Gilbert.
Anderson.	Giles.
Avis.	Graves
Baker.	of Williamson.
Baldwin.	Graves of Erath.
Barnett.	Hardy.
Bateman.	Harding.
Beck.	Harman.
Bond.	Harper.
Bounds.	Harrison.
Bradley.	Heaton.
Brice.	Hefley.
Brooks.	Hines.
Carpenter.	Hogg.
Chastain.	Holder.
Coltrin.	Hopkins.
Conway.	Hubbard.
Cox of Navarro.	Jenkins.
Cox of Lamar.	Johnson
Cox of Limestone.	of Dimmit.
Davis.	Johnson of Smith.
DeWolfe.	Johnson of Scurry.
Dunlap.	Justiss.
Duvall.	Kayton.
Enderby.	Keeton.
Ewing.	Keller.
Eickenroht.	Kennedy.
Finn.	Kincaid.
Finlay.	King.

Kinnear.	Rogers.
Land.	Rountree.
Lee.	Sanders.
Lemens.	Savage.
Long of Houston.	Shelton.
Long of Wichita.	Sherrill.
Mankin.	Shipman.
Mauritz.	Simmons.
Maynard.	Sinks.
McCombs.	Smith.
McGill.	Snelgrove.
McKean.	Stephens.
Mehl.	Stevenson.
Metcalfe.	Storey.
Minor.	Strong.
Montgomery.	Tarwater.
Moore.	Thompson.
Mosely.	Thurmond.
Mullally.	Tillotson.
Murphy.	Van Zandt.
Negley.	Veatch.
Patterson.	Wallace.
Pavlica.	Walters.
Petsch.	Warwick.
Pool.	Webb.
Pope of Jones.	Westbrook.
Pope of Nueces.	White.
Prendergast.	Wiggs.
Purl.	Williams
Quinn.	of Travis.
Ray.	Woodall.
Reader.	Woodruff.
Renfro.	Young.
Richardson.	

Absent.

Kemble.	Shaver.
Martin.	Speck.
Morse.	Waddell.

Absent—Excused.

Acker.	O'Neill.
Fuchs.	Palmer.
Hornaday.	Reid.
Jones.	Turner.
Kenyon.	Williams
Loy.	of Sabine.
McDonald.	Williams
Nicholson.	of Hardin.
Olsen.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Olsen for today, on motion of Mr. Smith.

Mr. O'Neill for today and the balance of the week, on motion of Mr. McCombs.

Mr. Kenyon for today and tomorrow, on motion of Mrs. Moore.

Mr. Reid for today, on motion of Mr. Shipman.

Mr. Hornaday for today, on motion of Mr. Brooks.

Mr. Murphy for today, on motion of Mr. Wallace.

Mr. Williams of Sabine for today, on motion of Mr. Cox of Lamar.

Mr. Shaver and Mr. Speck for today, on motion of Mr. Hardy.

The following members were granted leaves of absence on account of illness:

Mr. Nicholson for today, on motion of Mr. Kinnear.

Mr. McDonald for today, on motion of Mr. Finn.

Mr. Fuchs for today, on motion of Mr. Shelton.

Mr. Williams of Hardin for today and the balance of the week, on motion of Mr. Quinn.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Renfro:

H. B. No. 644, A bill to be entitled "An Act to amend Article 6691, Revised Civil Statutes of Texas, 1925, providing for the apportionment of the automobile registration fees to the several counties of the State and to the State Highway Department."

Referred to Committee on Highways and Motor Traffic.

By Mr. Hornaday:

H. B. No. 645, A bill to be entitled "An Act to promote the commercial potato growing industry in Texas; to authorize the Commissioner of Agriculture to fix and promulgate official standards for grading, classifying and inspecting Texas-grown potatoes; to co-operate with the United States Department of Agriculture in accomplishing the purposes of this act."

Referred to Committee on Agriculture.

By Mr. Bradley:

H. B. No. 646, A bill to be entitled "An Act to amend Section 23 of Article 2092 of the Revised Civil Statutes of Texas, 1925, relating to the absence, sickness or disqualification of any district judge in any court controlled by said article, and providing for the elec-

tion of a special judge in such court, and providing the manner of such election."

Referred to Judiciary Committee.

By Mr. Wallace and others:

H. B. No. 647, A bill to be entitled "An Act defining unfair discrimination and prohibiting any person, firm, company, association or corporation engaged in the production, manufacture, sale or distribution of any commodity in general use in this State from discriminating between different sections, communities, incorporated cities or towns of this State for the purpose of destroying the business of a competitor in any locality, or for the purpose of fixing, maintaining, increasing or reducing the price of such commodity by selling or distributing such commodity or permitting the sale or distribution of such commodity, as a different grade or price in one section, community, incorporated city or town than is charged or permitted to be charged for said commodity by said party in another section, community, incorporated city or town, after making due allowance for the difference, if any, in the grade or quality, in the actual and necessary cost of transportation paid by the seller or distributor on said commodity and the reasonably necessary difference, if any, in the cost of marketing said commodity."

Referred to Committee on Criminal Jurisprudence.

By Mr. Barnett, Mr. Graves of Williamson and Mr. Holder:

H. B. No. 648, A bill to be entitled "An Act to amend Articles 643 and 644, Chapter 6, Title 11, of the Penal Code of the State of Texas, relating to the betting on public elections, and to define public elections."

Referred to Committee on Criminal Jurisprudence.

By Mr. Brice:

H. B. No. 649, A bill to be entitled "An Act creating a more efficient road system for Delta county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court."

Referred to Committee on Highways and Motor Traffic.

By Mr. Savage:

H. B. No. 650, A bill to be entitled "An Act amending Article 7298 of the Revised Civil Statutes of 1925, providing that no delinquent taxpayer shall have the right to plead in any court or in any manner rely upon any statutes of limitation by way of defense against the payment of any taxes due to a levee improvement district."

Referred to Judiciary Committee.

By Mr. Finlay:

H. B. No. 651, A bill to be entitled "An Act to authorize the board of directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of the counties of San Saba, Lampasas, McCulloch, Mills, Brown, Llano, Mason, Menard or Concho, in the State of Texas, for the purpose of making scientific investigation and experiment in the production of pecans and poultry and practical methods of combating insect pests and diseases of said products in the said section, and conducting scientific experiments in poultry raising and dairying, authorizing said board of directors to acquire a suitable location therefor, and to accept donations of land and money for said purpose, providing that such experiment station shall be under the general supervision of said board of directors, and providing that unless donations of land within said territory suitable and sufficient for said experiment station are made for said purpose, said experiment station shall not be established."

Referred to Committee on Agriculture.

PROVIDING FOR SINGING BY MEMBERS OF CERTAIN CHORAL CLUB.

Mr. Conway offered the following resolution:

Resolved, That, whereas, the State of Texas has among its many wards a large chorus of some fifty voices of children who are inmates of the Deaf, Dumb and Blind Institute for the Colored in the city of Austin; and

Whereas, These negro children are being educated for citizenship by the State, and have been trained to a high degree of efficiency in vocal music and are capable of rendering songs that inspire and entertain; therefore, be it

Resolved, That the superintendent of said Institute be invited to bring the

said chorus before the bar of the House for a short program, Tuesday, February 12th, at 8 p. m., in order that the Representatives may see and hear the splendid progress being made in the said Institute.

Signed—Conway, Gilbert, Cox of Lamar, Snelgrove, Johnson of Scurry, Rogers, Van Zandt, Chastain, Smith, Wiggs, Tarwater, Giles, Moore, Speck, Cox of Navarro.

The resolution was read second time and was adopted.

HOUSE BILL NO. 22 ON SECOND READING.

On motion of Mr. Harman, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 22, A bill to be entitled "An Act providing for a system of public education in the State of Texas including the establishment, government, operation, maintenance, management and control of a University and all matters incident thereto; the establishment, maintenance, operation, government, management and control of an agricultural and mechanical college and all matters incident thereto; establishment, government, maintenance, management, operation and control of the John Tarleton Agricultural College, the North Texas Junior Agricultural College, the College of Industrial Arts, the Texas Technological College, the School of Mines and Metallurgy, Prairie View Normal and Industrial College, and all matters incident thereto; the establishment, maintenance, management, government, operation and control of Sam Houston State Teachers College, North Texas State Teachers College, Southwest Texas State Teachers College, Stephen F. Austin Teachers College, West Texas State Teachers College, East Texas State Teachers College, Sul Ross State Teachers College, South Texas State Teachers College, and all matters incident thereto."

The Speaker laid the bill before the House and it was read second time.

On motion of Mr. Harman, further consideration of the bill was postponed at this time and it was set as a special order for 11 o'clock a. m. tomorrow.

HOUSE BILL NO. 312 ON SECOND READING.

On motion of Mr. Mankin, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 312, A bill to be entitled "An Act regulating the placing of names of candidates on the ballot in primary elections of political parties; enacting provisions designed to secure party loyalty before a person shall have his name printed on the ballot in primary elections of political parties as a candidate; providing remedies and penalties to carry out the purpose of this act, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Mankin offered the following amendment to the bill:

Amend House bill No. 312 by striking out the word "and" in line 31 on page 1 and insert therefor the word "had."

The amendment was adopted.

Mr. Forbes offered the following amendment to the bill:

Amend House bill No. 312 by adding between the words "election" and "next," in line 26, page 1, the words "for ten years."

Mr. Purl offered the following substitute for the amendment:

Amend House bill No. 312, lines 25 and 26, by striking out the following: "the general election next preceding such primary election," and insert in lieu thereof the following: "every general election in which said applicant voted since he was a legally qualified voter."

(Pending consideration of the amendment, Mr. Shipman occupied the chair temporarily.)

Mr. Woodruff moved the previous question on the pending amendments and the bill, and the motion was not seconded.

Mr. McCombs moved the previous question on the pending amendments, and the main question was ordered.

Question first recurring on the amendment by Mr. Purl, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—42.

Ackerman.	Holder.
Avis.	Jenkins.
Baker.	Keeton.
Beck.	Kennedy.
Bond.	Kincaid.
Carpenter.	King.
Coltrin.	Lee.
Cox of Limestone.	Lemens.
Duvall.	Mauritz.
Eickenroht.	Maynard.
Gerron.	McKean.
Giles.	Mosely.
Harper.	Patterson.

Pope of Jones.	Shipman.
Prendergast.	Smith.
Purl.	Stephens.
Quinn.	Strong.
Ray.	Webb.
Reader.	Wiggs.
Rogers.	Williams
Rountree.	of Travis.
Savage.	Young.
Shelton.	

Nays—71.

Adkins.	Land.
Albritton.	Long of Houston.
Baldwin.	Mankin.
Barnett.	McCombs.
Bateman.	McGill.
Bounds.	Mehl.
Bradley.	Metcalfe.
Brice.	Minor.
Brooks.	Montgomery.
Chastain.	Moore.
Conway.	Mullally.
Cox of Lamar.	Murphy.
Davis.	Negley.
DeWolfe.	Pavlica.
Dunlap.	Petsch.
Enderby.	Pool.
Ewing.	Pope of Nueces.
Finn.	Renfro.
Finlay.	Richardson.
Forbes.	Sanders.
Gates.	Sherrill.
Gilbert.	Simmons.
Graves	Sinks.
of Williamson.	Snelgrove.
Graves of Erath.	Storey.
Hardy.	Tarwater.
Harman.	Thompson.
Harrison.	Thurmond.
Heaton.	Tillotson.
Hines.	Van Zandt.
Johnson	Veatch.
of Dimmit.	Walters.
Johnson of Smith.	Warwick.
Johnson of Scurry.	White.
Justiss.	Woodall.
Keller.	Woodruff.
Kinnear.	

Absent.

Anderson.	Long of Wichita.
Cox of Navarro.	Martin.
Harding.	Morse.
Hefley.	Shaver.
Hogg.	Speck.
Hubbard.	Stevenson.
Kayton.	Waddell.
Kemble.	

Absent—Excused.

Acker.	Loy.
Fuchs.	McDonald.
Hornaday.	Nicholson.
Jones.	Olsen.
Kenyon.	O'Neill.

Palmer.	Williams
Reid.	of Sabine.
Turner.	Williams
Wallace.	of Hardin.

Paired.

Mr. Hopkins (present), who would vote "nay," with Mr. Westbrook (absent), who would vote "yea."

Question then recurring on the amendment by Mr. Forbes, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—45.

Ackerman.	Patterson.
Avis.	Pope of Jones.
Baker.	Prendergast.
Beck.	Purl.
Coltrin.	Quinn.
Cox of Limestone.	Ray.
Duvall.	Reader.
Eickenroht.	Renfro.
Forbes.	Rogers.
Gerron.	Rountree.
Giles.	Savage.
Harman.	Shelton.
Harper.	Shipman.
Holder.	Simmons.
Jenkins.	Smith.
Keeton.	Stephens.
Kennedy.	Tarwater.
Kincaid.	Van Zandt.
King.	Webb.
Land.	Wiggs.
Lee.	Williams
Lemens.	of Travis.
Maynard.	Young.
McKean.	

Nays—67.

Adkins.	Graves
Albritton.	of Williamson.
Baldwin.	Hardy.
Barnett.	Harding.
Bateman.	Harrison.
Bond.	Heaton.
Bounds.	Hines.
Bradley.	Johnson
Brice.	of Dimmit.
Brooks.	Johnson of Smith.
Carpenter.	Johnson of Scurry.
Chastain.	Justiss.
Conway.	Keller.
Davis.	Long of Houston.
DeWolfe.	Mankin.
Dunlap.	McCombs.
Enderby.	McGill.
Ewing.	Mehl.
Finn.	Metcalfe.
Finlay.	Minor.
Gates.	Montgomery.
Gilbert.	Moore.
Graves of Erath.	Mosely.

Mullally.	Storey.
Murphy.	Strong.
Negley.	Thompson.
Pavlica.	Thurmond.
Petsch.	Tillotson.
Pool.	Veatch.
Pope of Nueces.	Walters.
Richardson.	Warwick.
Sanders.	White.
Sherrill.	Woodall.
Sinks.	Woodruff.
Snelgrove.	

Absent.

Anderson.	Long of Wichita.
Cox of Lamar.	Martin.
Cox of Navarro.	Mauritz.
Hefley.	Morse.
Hogg.	Shaver.
Hubbard.	Speck.
Kayton.	Stevenson.
Kemble.	Waddell.
Kinnear.	

Absent—Excused.

Acker.	O'Neill.
Fuchs.	Palmer.
Hornaday.	Reid.
Jones.	Turner.
Kenyon.	Wallace.
Loy.	Williams
McDonald.	of Sabine.
Nicholson.	Williams
Olsen.	of Hardin.

Paired.

Mr. Hopkins (present), who would vote "nay," with Mr. Westbrook (absent), who would vote "yea."

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 11, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 266, A bill to be entitled "An Act creating a more efficient road system for Dickens county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department, etc."

S. B. No. 270, A bill to be entitled "An Act to amend Chapter 28 of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being a special road law for Childress county, by adding thereto Section 2a, authorizing the commissioners court of Childress county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

S. B. No. 279, A bill to be entitled "An Act to amend Chapter 59 of the Local and Special Laws enacted by the Thirty-fourth Legislature at its Regular Session, in 1915, as amended by Chapter 51, Special Laws enacted by the Thirty-ninth Legislature at its First Called Session in 1926, same being a special road law for Wise county, by adding thereto Section 12b, authorizing the commissioners court of Wise county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

S. B. No. 320, A bill to be entitled "An Act creating a more efficient road system for Hemphill county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Hemphill county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the in-

debtness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

S. B. No. 336, A bill to be entitled "An Act creating a more efficient road system for Bell county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court, etc., and declaring an emergency."

S. B. No. 388, A bill to be entitled "An Act amending Article 879g as amended by Chapter 215 of the General and Special Laws of the Regular Session of the Legislature so as to close the deer season in certain counties, and declaring an emergency."

S. B. No. 26, A bill to be entitled "An Act providing additional compensation for the chief deputy clerk for the Courts of Civil Appeals of this State to be paid from fees collected by the clerks of said courts, and declaring an emergency."

S. B. No. 253, A bill to be entitled "An Act amending Article 5196 of the Revised Civil Statutes of Texas, 1925, so as to define blacklisting, to define discrimination against persons seeking employment, to require statements in writing from corporations and receivers to employees voluntarily leaving their employment, and requiring further that copies of statements shall be given to employees who have lost or are otherwise deprived of the use of the originals, prescribing what facts shall be set out in all such statements, and declaring an emergency."

S. B. No. 316, A bill to be entitled "An Act authorizing any county having taxable values of two hundred ninety million dollars or more according to the latest approved tax rolls of the county to spend not to exceed \$15,000 in any one year out of the general fund of the county for any purpose coming within the authority of the commissioners court of the county under the laws of this State relative to reclamation or conservation, and declaring an emergency."

S. B. No. 317, A bill to be entitled "An Act amending Articles 1595 and 1600 of the Revised Civil Statutes of 1925, as amended, providing that no

county seat situated within five miles of the geographical center of any county shall be removed except by a vote of two-thirds of all the electors in said county voting on the subject, etc., and declaring an emergency."

S. B. No. 258, A bill to be entitled "An Act making an appropriation to remove the remains of certain Texas heroes and providing for monuments for such heroes, and declaring an emergency."

S. B. No. 319, A bill to be entitled "An Act to amend Article 2943 of Chapter 3, Title 50, of the Revised Civil Statutes of Texas of 1925; regulating the pay of judges and clerks of general and special elections, and declaring an emergency."

S. B. No. 348, A bill to be entitled "An Act amending Article 978e of the State of Texas making it unlawful to buy, sell, possess or transport for the purpose of sale, barter or exchange, any fresh water crappie or bass within the State of Texas; prescribing penalties, but exempting from the provisions hereof fresh water crappie or bass propagated and raised in private ponds or lakes having no outlet or inlet into any of the public streams or waters of this State and not subject to overflow from rivers or other streams within the borders of this State."

S. B. No. 355, A bill to be entitled "An Act amending Section 25 of Chapter 122, of the General Laws of the Regular Session of the Thirty-ninth Legislature, relating to tick eradication among live stock, so as to include Cherokee, Rusk, Panola and Nacogdoches counties in that territory in which systematic tick eradication work is carried on and provided for, the purpose of this act being to add said counties to that territory described in said act as being west of the Brazos river and north and west of a line described in the act as running from the northwest corner of Robertson county to the southeast corner of Harrison county as set out in detail in Section 25 of said act as it now exists, and declaring an emergency."

S. B. No. 361, A bill to be entitled "An Act repealing House bill No. 573, Chapter 96, page 388, of the Local and Special Laws of the Regular Session of the Thirty-fifth Legislature, and declaring an emergency."

S. B. No. 306, A bill to be entitled "An Act creating a special road law for Crosby county, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against

its road and bridge fund as of January 1, 1929, setting forth the method of said operation, and declaring an emergency."

S. B. No. 384, A bill to be entitled "An Act to validate organization of certain independent school districts and validating the board of trustees of same, and providing that they shall have the powers conferred by the laws of this State applicable to such districts, and validating all proceedings and acts of same heretofore taken and had as authorized by the school laws of this State; validating all bonds authorized and sold and now outstanding of said districts, and declaring an emergency."

S. B. No. 389, A bill to be entitled "An Act creating a more efficient road system for Motley county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof, providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Motley county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

S. B. No. 405, A bill to be entitled "An Act creating a more efficient road system for Jeff Davis county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the com-

missioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Jeff Davis county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

S. B. No. 411, A bill to be entitled "An Act regulating the making of bonds by depositories of school funds in independent school districts which embrace within their boundaries cities having a population of 75,000 or more according to the United States Census of 1920, and repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 448, A bill to be entitled "An Act to provide more adequate compensation for county judges in counties which have voted road and bridge bonds amounting to six million dollars or more, and in addition flood protection bonds amounting to one million dollars or more, and providing for the employment of a stenographer for such judges, and declaring an emergency."

S. B. No. 451, A bill to be entitled "An Act determining and fixing the annual salary of the county superintendent of public instruction of Liberty county, Texas; providing for the payment of said salary; providing for the payment of office expenses, and declaring an emergency."

S. B. No. 462, A bill to be entitled "An Act authorizing the district attorney of the Seventy-second Judicial District to appoint one assistant district attorney for a term of two years; prescribing the qualifications and duties of such assistant; fixing said assistant's salary, and declaring an emergency."

S. B. No. 483, A bill to be entitled "An Act creating a special road law for Cherokee county, Texas; requiring surety bonds of road overseers; containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of

January 1, 1929; setting forth the method of said operation, and declaring an emergency."

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 11, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 23, Providing for the appointment of a joint committee to investigate the reasons for the recent gas shortage at Tyler, Texas.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

RECESS.

On motion of Mr. Patterson, the House, at 12:20 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 312 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 312, relating to regulating the placing of names of candidates on the ballot in primary elections, on its passage to engrossment.

Mrs. Negley offered the following amendment to the bill:

Amend House bill No. 312 by striking out all after the enacting clause and inserting the following:

"All laws and parts of laws which attempt to prescribe qualifications or regulate who shall participate in political primaries or conventions be and the same are hereby repealed and the right of electors to participate in political primaries and conventions and the regulation thereof is hereby remitted to the State Executive Committees of the various political parties."

Mr. Purl raised a point of order on further consideration of the amendment, on the ground that the amendment was not germane to the purpose of the bill.

The Speaker sustained the point of order.

Mr. Long of Houston offered the following amendment to the bill:

Amend House bill No. 312 by inserting at the end of Section 3, line 14, page 2, the following: "Provided, that this act shall not be effective for any purpose until December 31, 1930."

Mr. Purl moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—37.

Ackerman.	Lemens.
Avis.	Mauritz.
Baker.	Maynard.
Bounds.	McCombs.
Carpenter.	Mullally.
Conway.	Pavlica.
Cox of Lamar.	Pope of Jones.
Eickenroht.	Purl.
Gates.	Ray.
Giles.	Rogers.
Harper.	Savage.
Harrison.	Shipman.
Holder.	Simmons.
Jenkins.	Smith.
Keeton.	Tarwater.
Kincaid.	Webb.
King.	Wiggs.
Kinnear.	Williams
Lee.	of Sabine.

Nays—65.

Adkins.	Kennedy.
Albritton.	Land.
Anderson.	Long of Houston.
Barnett.	Long of Wichita.
Bateman.	Mankin.
Bradley.	McGill.
Brice.	McKean.
Chastain.	Mehl.
Cox of Navarro.	Metcalfe.
Davis.	Montgomery.
DeWolfe.	Moore.
Dunlap.	Murphy.
Enderby.	Olsen.
Ewing.	Patterson.
Finn.	Pool.
Finlay.	Pope of Nueces.
Forbes.	Prendergast.
Gilbert.	Quinn.
Graves	Reader.
of Williamson.	Renfro.
Graves of Erath.	Richardson.
Harding.	Rountree.
Harman.	Sanders.
Heaton.	Sherrill.
Hogg.	Sinks.
Johnson	Snelgrove.
of Dimmit.	Stephens.
Johnson of Scurry.	Storey.

Strong.
Thompson.
Thurmond.
Tillotson.
Veatch.
Walters.

Warwick.
Westbrook.
White.
Williams
of Travis.
Woodall.

Absent.

Baldwin.
Beck.
Brooks.
Coltrin.
Cox of Limestone.
Duvall.
Gerron.
Hardy.
Hefley.
Hines.
Hopkins.
Hubbard.
Johnson of Smith.
Justiss.
Kayton.

Keller.
Kemble.
Martin.
Morse.
Mosely.
Negley.
Shaver.
Shelton.
Speck.
Turner.
Van Zandt.
Waddell.
Woodruff.
Young.

Absent—Excused.

Acker.
Bond.
Fuchs.
Hornaday.
Jones.
Kenyon.
Loy.
Minor.
McDonald.

Nicholson.
O'Neill.
Palmer.
Petsch.
Reid.
Stevenson.
Wallace.
Williams
of Hardin.

Question recurring on the amend-
ment, yeas and nays were demanded.

The amendment was adopted by the
following vote:

Yeas—79.

Ackerman.
Adkins.
Albritton.
Anderson.
Baker.
Barnett.
Bateman.
Bradley.
Brice.
Carpenter.
Chastain.
Cox of Navarro.
Cox of Limestone.
Davis.
DeWolfe.
Dunlap.
Duvall.
Enderby.
Finn.
Finlay.
Forbes.
Gilbert.
Graves
of Williamson.

Graves of Erath.
Harding.
Harman.
Heaton.
Hogg.
Johnson
of Dimmit.
Johnson of Scurry.
Keeton.
Kennedy.
Land.
Lee.
Long of Houston.
Long of Wichita.
Mankin.
McCombs.
McGill.
McKean.
Mehl.
Metcalf.
Montgomery.
Moore.
Murphy.
Negley.

Olsen.
Patterson.
Pavlica.
Pool.
Pope of Jones.
Pope of Nueces.
Prendergast.
Quinn.
Reader.
Renfro.
Richardson.
Rogers.
Rountree.
Sanders.
Sherrill.
Shipman.
Simmons.

Sinks.
Snelgrove.
Stephens.
Storey.
Strong.
Tarwater.
Thompson.
Thurmond.
Tillotson.
Veatch.
Walters.
Warwick.
Westbrook.
White.
Williams
of Travis.
Woodall.

Nays—22.

Avis.
Bounds.
Conway.
Cox of Lamar.
Ewing.
Eickenroht.
Gates.
Giles.
Harper.
Harrison.
Holder.
Jenkins.

Kincaid.
King.
Kinnear.
Maynard.
Mullally.
Purl.
Ray.
Savage.
Smith.
Wiggs.
Williams
of Sabine.

Absent.

Baldwin.
Beck.
Brooks.
Coltrin.
Gerron.
Hardy.
Hefley.
Hines.
Hopkins.
Hubbard.
Johnson of Smith.
Justiss.
Kayton.
Keller.
Kemble.

Lemens.
Martin.
Mauritz.
Morse.
Mosely.
Shaver.
Shelton.
Speck.
Turner.
Van Zandt.
Waddell.
Webb.
Woodruff.
Young.

Absent—Excused.

Acker.
Bond.
Fuchs.
Hornaday.
Jones.
Kenyon.
Loy.
McDonald.
Minor.

Nicholson.
O'Neill.
Palmer.
Petsch.
Reid.
Stevenson.
Wallace.
Williams
of Hardin.

(Mr. McGill in the chair.)

Mr. Kincaid offered the following
amendment to the bill:

Amend House bill No. 312, page 1,

by adding to line 32, after word "apply," the following: "Provided, that if the nominee of such party had in any way repudiated the party platform, the foregoing does not apply."

Mr. Mankin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—78.

Adkins.	Long of Wichita.
Albritton.	Mankin.
Baker.	McCombs.
Barnett.	McKean.
Bateman.	Mehl.
Beck.	Metcalfe.
Bounds.	Moore.
Bradley.	Mosely.
Brooks.	Mullally.
Chastain.	Murphy.
Coltrin.	Negley.
Conway.	Olsen.
Cox of Navarro.	Patterson.
Cox of Lamar.	Pavlica.
Cox of Limestone.	Pope of Nueces.
Dunlap.	Ray.
Duvall.	Reader.
Enderby.	Richardson.
Finlay.	Rountree.
Forbes.	Sanders.
Fuchs.	Savage.
Gates.	Sherrill.
Gilbert.	Shipman.
Graves	Sinks.
of Williamson.	Storey.
Graves of Erath.	Strong.
Hardy.	Thompson.
Harding.	Tillotson.
Harper.	Van Zandt.
Heaton.	Veatch.
Hines.	Wallace.
Hogg.	Walters.
Hopkins.	Warwick.
Johnson of Scurry.	Webb.
Johnson	Westbrook.
of Dimmit.	White.
Justiss.	Williams
King.	of Sabine.
Kinnear.	Woodall.
Land.	Woodruff.
Long of Houston.	

Nays—23.

Ackerman.	Kennedy.
Avis.	Kincaid.
Brice.	Pope of Jones.
Carpenter.	Prendergast.
Davis.	Purl.
Ewing.	Quinn.
Eickenroht.	Renfro.
Holder.	Simmons.
Jenkins.	Smith.
Keeton.	Snelgrove.

Stephens.
Tarwater.

Wiggs.

Present—Not Voting.

Harrison.

Absent.

Anderson.	Maynard.
Baldwin.	McGill.
DeWolfe.	Montgomery.
Gerron.	Morse.
Giles.	Pool.
Harman.	Rogers.
Hefley.	Shaver.
Hubbard.	Shelton.
Johnson of Smith.	Speck.
Kayton.	Thurmond.
Keller.	Turner.
Kemble.	Waddell.
Lee.	Williams
Lemens.	of Travis.
Martin.	Young.
Mauritz.	

Absent—Excused.

Acker.	Nicholson.
Bond.	O'Neill.
Finn.	Palmer.
Hornaday.	Petsch.
Jones.	Reid.
Kenyon.	Stevenson.
Loy.	Williams
McDonald.	of Hardin.
Minor.	

Mr. Snelgrove offered the following amendment to the bill:

Amend House bill No. 312 by striking out all of line 14.

(Speaker in the chair.)

Mr. Chastain moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—60.

Albritton.	Hardy.
Baker.	Harman.
Barnett.	Harrison.
Bateman.	Heaton.
Chastain.	Hogg.
Cox of Limestone.	Hopkins.
Davis.	Johnson of Scurry.
DeWolfe.	Keeton.
Dunlap.	Kinnear.
Duvall.	Long of Houston.
Ewing.	Long of Wichita.
Finn.	Mankin.
Forbes.	McCombs.
Gates.	McGill.
Gilbert.	Montgomery.
Graves	Moore.
of Williamson.	Mosely.

Mullally.	Thurmond.
Murphy.	Tillotson.
Negley.	Van Zandt.
Olsen.	Veatch.
Patterson.	Wallace.
Pavlica.	Walters.
Pool.	Warwick.
Pope of Nueces.	Westbrook.
Reader.	White.
Richardson.	Williams
Sanders.	of Travis.
Sinks.	Woodall.
Storey.	Woodruff.
Thompson.	Young.

Nays—52.

Ackerman.	Lee.
Adkins.	Mauritz.
Avis.	Maynard.
Beck.	McKean.
Bounds.	Mehl.
Bradley.	Metcalfe.
Brice.	Pope of Jones.
Brooks.	Prendergast.
Carpenter.	Purl.
Coltrin.	Quinn.
Conway.	Ray.
Enderby.	Renfro.
Eickenroht.	Rogers.
Finlay.	Rountree.
Giles.	Savage.
Harding.	Sherrill.
Harper.	Shipman.
Hines.	Simmons.
Holder.	Smith.
Jenkins.	Snelgrove.
Johnson	Stephens.
of Dimmit.	Strong.
Justiss.	Tarwater.
Keller.	Webb.
Kennedy.	Wiggs.
Kincaid.	Williams
King.	of Sabine.
Land.	

Absent.

Anderson.	Kemble.
Baldwin.	Lemens.
Cox of Navarro.	Martin.
Cox of Lamar.	Morse.
Gerron.	Shaver.
Graves of Erath.	Shelton.
Hefley.	Speck.
Hubbard.	Turner.
Johnson of Smith.	Waddell.
Kayton.	

Absent—Excused.

Acker.	McDonald.
Bond.	Minor.
Fuchs.	Nicholson.
Hornaday.	O'Neill.
Jones.	Palmer.
Kenyon.	Petsch.
Loy.	Reid.

Stevenson.	Williams
	of Hardin.

Mr. Finlay moved the previous question on the passage of the bill to engrossment, and the main question was ordered.

Question first recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 312 then failed to pass to engrossment by the following vote:

Yeas—58.

Barnett.	McGill.
Bateman.	Metcalfe.
Chastain.	Montgomery.
Cox of Navarro.	Moore.
Davis.	Mullally.
Dunlap.	Murphy.
Enderby.	Negley.
Finn.	Olsen.
Forbes.	Pavlica.
Gerron.	Pool.
Gilbert.	Pope of Nueces.
Graves	Reader.
of Williamson.	Rountree.
Hardy.	Sanders.
Harding.	Sinks.
Heaton.	Storey.
Hefley.	Strong.
Hines.	Thompson.
Hogg.	Thurmond.
Hopkins.	Tillotson.
Johnson	Veatch.
of Dimmit.	Wallace.
Johnson of Smith.	Walters.
Johnson of Scurry.	Westbrook.
Keller.	Williams
Kinnear.	of Sabine.
Land.	Williams
Long of Houston.	of Travis.
Long of Wichita.	Woodall.
Mankin.	Woodruff.
McCombs.	Young.

Nays—60.

Ackerman.	Gates.
Adkins.	Giles.
Albritton.	Graves of Erath.
Avis.	Harman.
Baker.	Harper.
Beck.	Harrison.
Bounds.	Holder.
Bradley.	Hubbard.
Brice.	Jenkins.
Brooks.	Justiss.
Carpenter.	Keeton.
Coltrin.	Kennedy.
Conway.	Kincaid.
Cox of Lamar.	King.
Cox of Limestone.	Lee.
DeWolfe.	Lemens.
Ewing.	Mauritz.
Finlay.	Maynard.

McKean.	Sherrill.
Mehl.	Shipman.
Mosely.	Simmons.
Patterson.	Smith.
Pope of Jones.	Snelgrove.
Prendergast.	Stephens.
Purl.	Tarwater.
Quinn.	Van Zandt.
Ray.	Warwick.
Renfro.	Webb.
Richardson.	White.
Rogers.	Wiggs.
Savage.	

Present—Not Voting.

Eickenroht.

Absent.

Anderson.	Morse.
Baldwin.	Shaver.
Duvall.	Shelton.
Kayton.	Speck.
Kemble.	Turner.
Martin.	Waddell.

Absent—Excused.

Acker.	Nicholson.
Bond.	O'Neill.
Fuchs.	Palmer.
Hornaday.	Petsch.
Jones.	Reid.
Kenyon.	Stevenson.
Loy.	Williams
McDonald.	of Hardin.
Minor.	

Mr. Purl moved to reconsider the vote by which the bill fail to pass to engrossment, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—68.

Ackerman.	Forbes.
Adkins.	Giles.
Albritton.	Graves of Erath.
Avis.	Harman.
Baker.	Harper.
Baldwin.	Harrison.
Beck.	Hines.
Bounds.	Holder.
Bradley.	Hubbard.
Brice.	Jenkins.
Brooks.	Justiss.
Carpenter.	Keeton.
Coltrin.	Keller.
Conway.	Kennedy.
Cox of Limestone.	Kincaid.
DeWolfe.	King.
Enderby.	Kinnear.
Ewing.	Lee.
Eickenroht.	Lemens.

Mauritz.	Renfro.
Maynard.	Richardson.
McCombs.	Rogers.
McKean.	Savage.
Mehl.	Sherrill.
Moore.	Shipman.
Mosely.	Simmons.
Olsen.	Smith.
Patterson.	Snelgrove.
Pope of Jones.	Stephens.
Prendergast.	Storey.
Purl.	Tarwater.
Quinn.	Webb.
Ray.	White.
Reader.	Wiggs.

Nays—45.

Barnett.	Long of Houston.
Bateman.	Long of Wichita.
Chastain.	Mankin.
Cox of Navarro.	McGill.
Davis.	Montgomery.
Dunlap.	Mullally.
Finn.	Murphy.
Finlay.	Pavlica.
Gates.	Pool.
Gerron.	Pope of Nueces.
Gilbert.	Sinks.
Graves	Storey.
of Williamson.	Thompson.
Hardy.	Thurmond.
Harding.	Tillotson.
Heaton.	Van Zandt.
Hefley.	Veatch.
Hogg.	Westbrook.
Hopkins.	Williams
Johnson	of Sabine.
of Dimmit.	Woodall.
Johnson of Smith.	Woodruff.
Johnson of Scurry.	Young.
Land.	

Absent.

Anderson.	Rountree.
Cox of Lamar.	Sanders.
Duvall.	Shaver.
Kayton.	Shelton.
Kemble.	Speck.
Kenyon.	Turner.
Martin.	Waddell.
Metcalfe.	Walters.
Morse.	Williams
Negley.	of Travis.

Absent—Excused.

Acker.	O'Neill.
Bond.	Palmer.
Fuchs.	Petsch.
Hornaday.	Reid.
Jones.	Stevenson.
Loy.	Wallace.
McDonald.	Williams
Minor.	of Hardin.
Nicholson.	

Reason for Vote.

I vote against House bill No. 312 because it merely clutters up our already messed up election laws, and I can see no good it will do.

I voted for Al Smith, Moody and all the rest, and expect to continue to vote for the Democratic nominees whether I am a candidate for office or not.

FINLAY.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas February 11, 1929.
Hon. W. S. Barron, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. J. R. No. 2, Proposing to amend the Constitution of the State of Texas by adopting a new section which shall provide that the Supreme Court of Texas may sit at any time during the year for the transaction of business, and that its terms shall begin and end with each calendar year, and repealing existing provisions in conflict therewith.

S. B. No. 269, A bill to be entitled "An Act creating a State Bureau of Criminal Identification and Investigation; providing for its organization, and defining its powers and duties."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

HOUSE BILL NO. 9 ON SECOND READING.

On motion of Mr. Webb, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 9, A bill to be entitled "An Act declaring the use, manufacture, sale, distribution and delivery of ice a public business, impressed with a public trust, and subject to public regulation; conferring jurisdiction and authority upon the Railroad Commission of Texas thereover, making it the duty of said Commission to adopt rates, charges, rules and regulations governing the manufacture, sale, delivery and distribution of ice, and to correct abuses and prevent unjust discrimination in rates, charges and practices relative thereto."

The Speaker laid the bill before the House and it was read second time.

(Mr. Hardy in the chair.)

Mr. Holder offered the following amendment to the bill:

Amend Section 23 of House bill No. 9 by adding, at the conclusion of said section, the following language: "Provided further, that none of the provisions of this act shall apply to municipal corporations."

The amendment was adopted.

Mr. Holder offered the following amendments to the bill:

(1)

Amend Section 23 of House bill No. 9 by adding at the conclusion of said section the following language, "provided further, that none of the provisions of this act shall apply to municipal corporations."

(2)

Amend House bill No. 9 by striking out from page 7, Section 12, lines 34 and 35 (printed bill), the following words, "district court of Travis county, which is hereby given jurisdiction of such actions," and insert in lieu thereof the following, "in the district court of the county in which the decision complained of is to be effective."

(3)

Amend Section 17 of House bill No. 9 so that same shall hereafter read as follows:

"Section 17. No person, firm, corporation or association of persons shall be permitted to manufacture, sell, deliver or distribute ice within the State of Texas without first having secured a certificate of public convenience for such service from the Railroad Commission of Texas, as provided in this act. Any person, firm, corporation or association of persons engaged in manufacturing ice and applying for such certificate of public convenience shall pay as an initial fee to the secretary of the Railroad Commission the sum of fifty dollars (\$50) and shall also pay an annual license fee for the right to continue in such manufacturing business equal to one dollar and fifty cents (\$1.50) for each ton of the daily manufacturing capacity of the plant or plants owned or operated by such person, firm, corporation or association of persons.

"Provided, that the minimum annual license fee shall be twenty-five dollars (\$25); and provided further, that the first annual license fee shall be paid on or before July 1st, 1929, and shall be thereafter annually paid on or before July 1st of each succeeding year. All

persons, firms, corporations or associations of persons engaged in the ice business in cities or towns of 2500 population or more, to the extent of purchase and re-sale of the same and not of manufacture, applying for such certificate of convenience shall pay an initial fee of only twenty-five dollars (\$25) therefor, and an annual license fee of only twenty-five dollars (\$25), the first annual license fee to be paid on July 1st, 1929, and an annual license fee of the same amount to be paid annually thereafter on July 1st of each succeeding year; and provided further, that the initial and annual fees to be paid by all persons, firms, corporations and associations of persons engaged in the ice business in cities or towns of less than 2500 population and more than 1000 population shall be fifteen dollars (\$15), and in towns having less than 1000 population and more than 500 population shall be five dollars (\$5), and in towns or villages having a lesser population shall be only two dollars (\$2), the first annual license fee of such persons, firms, corporations and associations of persons to be paid on July 1st, 1929, and a similar license fee to be paid on or before July 1st of each succeeding year.

"Whenever any person, firm, corporation or association of persons shall have received a permit or certificate of public convenience provided in this act, and shall thereafter desire to erect a new plant for the sale of ice or increase the capacity of an existing plant, application shall be made for a certificate of public convenience, as is provided in this act, and if such certificate shall be issued by the Commission then the initial fee applicable to manufacturers as above provided shall be paid for the issuance of such certificate."

(4)

Amend the caption of House bill No. 9 by inserting immediately after the semicolon, in line 14, page 3, and immediately before the word "provided" in the same line, the following language: "and further providing that none of the provisions of this act shall apply to municipal corporations, and."

(5)

Amend the caption of House bill No. 9 by striking out the following language beginning in line 1, page 2, and ending in line 2 of page 2, "in the district court of Travis county, which is given jurisdiction thereof," and insert in lieu thereof the following language: "in the district court of the county in

which the decision complained of is to be effective."

(6)

Amend House bill No. 9 by adding at the conclusion of the bill (line 10, on page 7) the following language: "The Commission, in determining and establishing just and reasonable rates, shall have the power to determine the reasonable value of any property used in manufacturing, selling and delivering ice."

The amendments were severally adopted.

Mr. Finlay offered the following amendment to the bill:

Amend House bill No. 9 by inserting after the word "ice" wherever it appears in the bill the words "farming and stock raising."

Mr. Webb raised a point of order on further consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 9 by adding after the word "ice" wherever it appears in the bill the words "drugs, groceries and dry goods."

Mr. Woodruff raised a point of order on consideration of the amendment at this time, on the ground that the amendment is not germane to the purpose of the bill.

The Speaker sustained the point of order.

Mr. Quinn appealed from the ruling of the Chair, and the appeal was not seconded.

Mr. Carpenter offered the following amendment to the bill:

Amend House bill No. 9 by inserting after the word "manufacture" wherever it occurs in the bill the word "for" between "manufacture" and the word "sale."

The amendment was adopted.

(Pending consideration of the bill, Mr. Pope of Jones and Mr. McGill occupied the chair temporarily.)

Mr. Baldwin moved the previous question on the passage of the bill to engrossment, and the motion was not seconded.

Mr. Hornaday offered the following amendment to the bill:

Amend House bill No. 9 by adding at the conclusion of the bill, line 10 on page 7, the following language, "the

Commission, in determining and establishing just and reasonable rates, shall have the power to determine the reasonable value of any property used in manufacturing, selling and delivering ice."

The amendment was adopted.

Mr. Ray offered the following amendment to the bill:

Amend House bill No. 9, page 13, line 26, after the word "apply" "to any town of 500 population or less."

On motion of Mr. Holder, the amendment was tabled.

Mr. Jenkins offered the following amendment to the bill:

Amend the bill by adding to Section 23, page 18, the following, "nor to cities of more than 5000 population which are operating under what is commonly known as home rule charters."

Mr. Holder offered the following substitute for the amendment:

Amend House bill No. 9 by adding an additional section thereto immediately after Section 22, the same to be designated as 22a, and to read as follows:

"Section 22a. Should any incorporated town or city, by vote of its governing board, elect to exercise original control over the manufacture, sale and distribution of ice within its corporate limits, the mayor of such city or town shall notify the Commission to that effect in writing under seal of said city or town. Upon receipt of said notice, the Commission shall set a date not later than sixty days after the date of said notice upon which the control of such city or town over the ice utility shall become effective. On and after such effective date and under such general or special rules as may be promulgated by the Commission not in conflict with this act, such city or town shall assume the following duties, powers and prerogatives over the ice utility within its corporate limits:

"1. Control of rates, charges, rules and services in the manner and to the extent set out in this act for the control by the Railroad Commission over such rates, charges, rules and services.

"2. Receiving, hearing, granting or refusing certificates of public convenience as set out in Section 17 of this act, excepting that the fee therefor shall be paid to the secretary of the Railroad Commission, as provided in said Section 17.

"3. Receiving, hearing, granting or refusing applications for acquirement or joint operation of properties as set out in Section 20 of this act.

"All parties contemplated by this act

as proper parties to hearings by the Railroad Commission shall be deemed proper parties to the hearings by the governing body of such city or town so electing to exercise control over the ice utility as contemplated in this section. In case that any such party shall be dissatisfied with any decision, rate, regulation, ordinance or order of the governing body of such city in the exercise of such control over the ice utility, such party may appeal to the Railroad Commission to review such decision, rate, regulation, ordinance or order by filing a petition with the Railroad Commission within thirty days after the making, promulgation or entry of such decision, rate, regulation, ordinance or order, said petition to set forth the grounds of objection thereto. Upon such appeal being taken, the Commission shall set a hearing in the manner provided for in this section for other hearings and may make such order or decision in regard thereto as the Commission may deem just and reasonable. The decision of the Commission shall be final, subject to the action of a court of competent jurisdiction. Whenever such appeal is taken from the decision, regulation, ordinance or order of such city, town or municipality to the Commission, the Commission shall hear such appeal de novo and shall treat such appeal as though it were an original complaint. When such city government has ordered existing prices or charges reduced and such order is appealed from to the Railroad Commission, the existing prices and charges shall remain in effect pending final decision of the Commission, providing the ice utility affected and complaining files with the Commission bond acceptable to the Commission that such ice utility shall make restitutions to its patronage should the Commission uphold the order of the city, town or municipality, the accounts upon which such restitution to be made to be kept in accordance with rules laid down by the Commission to that end. Until changed by order of a competent court or of the Railroad Commission on appeal, the decisions and orders of such city, town or municipality shall have the same effect as the decisions and orders of the Railroad Commission provided for in this act. The inspection of books and accounts by agencies of the Railroad Commission and the requirements of reports to be made to the Railroad Commission as provided for in other sections of this act shall remain unaffected by the terms of this section, except that copies of such reports will

be filed by the mayor or clerk of such city, town or municipality. The payment and administration of fees, funds and penalties provided for in other sections of this act shall not be changed or affected by the provision of this section.

"The sections of this act prohibiting extortion and discrimination and prohibiting manufacture, sale or distribution of ice without a certificate of public necessity and convenience, and providing penalties for violation of such prohibition, shall not be affected by this section, except that it shall be the duty of the mayor, attorney or governing body of such city, town or municipality to report violations of such provisions to the Railroad Commission and lend such assistance as may be practicable in prosecutions for such violations. Should any such town, city or municipality elect by vote of its governing body to relinquish the control over the ice utility contemplated in this section, the mayor of such city shall notify the Railroad Commission to that effect in writing under the seal of such city, town or municipality. Upon the receipt of such notice, the Railroad Commission shall set a date not later than sixty days after the receipt of such notice, on which date the control of such city, town or municipality assumed by virtue of this section of this act shall cease. If the governing body of any city, town or municipality that has assumed control over the manufacture, sale and distribution of ice, as herein provided, shall fail or refuse for a period of sixty days to act upon any petition or matter that may be properly brought before it in the exercise of such control, then any interested party may prosecute an appeal to the Railroad Commission of Texas, as hereinabove provided, and said appeal shall be disposed of by the Commission as hereinabove provided."

The substitute amendment was adopted.

The amendment as substituted was adopted.

Mr. Williams of Travis offered the following amendment to the bill:

Amend House bill No. 9 by adding after the word "business," in line 17, page 4, at the end of Section 4, the following: "but no idle or stand-by plants or other property not in actual use and necessary to the operation of the plant shall be included in the inventories of property on which rates and prices are to be fixed or regulated and

reasonable deductions for depreciation shall be made so that such rates and prices shall be based on sound value."

The amendment was adopted.

Mr. Pope of Nueces offered the following amendments to the bill:

(1)

Amend House bill No. 9 by adding between lines 36 and 37, page 8, Section 16a, to read as follows:

"Section 16a. No corporation shall be granted any certificate of public convenience to engage in the manufacture, sale and distribution of ice in this State unless and until chartered under the laws of this State and no such certificate of public convenience shall be granted to any person or firm to engage in the manufacture, sale, and distribution of ice in this State unless and until such person or firm shall file with the Railroad Commission of this State a power of attorney authorizing any member of such Commission to accept service of process in any and all suits filed in this State against such person or firm."

(2)

Amend House bill No. 9, page 9, by striking out all of line 11, after the word "Texas," and by striking out all of line 12 and all of line 13, except the word "provided," last appearing in in said line 13 and on page 9, and by striking out on page 12 all after the word "paid" in line 38 and by striking out all of line 39 and 40, said page 12, and by striking out all of lines 1 to 9, page 13, and insert after said word "paid," in line 38, page 12, the following: "According to appropriations made by the Legislature for such purposes."

(3)

Amend House bill No. 9 by adding at the end of line 1, page 4, the following: "Provided, that all jurisdiction, power and authority conferred by this act on the Railroad Commission of Texas shall become void when there shall hereafter be created a public utility commission in this State, and such jurisdiction, power and authority herein conferred upon the Railroad Commission of Texas shall be and is thereupon conferred upon such public utility commission of Texas at the time of its creation."

The amendments were severally adopted.

Mr. Lee offered the following amendment to the bill:

Add after the word "act," in line 10, page 4, the following: "Provided, however, no rate shall ever be fixed by the Railroad Commission unless same shall be agreed to by a majority of the city council or commissioners of the city or town to be affected thereby."

Mr. Webb moved to table the amendment, and the motion to table was lost. Question recurring on the amendment, it was adopted.

Mr. Wallace offered the following amendment to the bill:

Amend House bill No. 9, page 3, Section 1, line 24, by striking out the words "a monopoly," and insert in lieu thereof "is a public necessity."

The amendment was adopted.

Mr. Keller offered the following amendment to the bill:

Amend House bill No. 9 below the enacting clause by adding at the end of the bill after Section No. 25 the following section:

"Sec. 25a. And provided that nothing herein shall operate to prevent the installation, use or operation of any machinery or equipment or plants now owned or contracted for by any person, firm or corporation now doing business or authorized to do business in Texas, or the completion of any plants, machinery or equipment now wholly or partially contracted for or under construction or commenced, or the use for the construction, equipment, building or operation of such machinery, equipment or plants of the money or assets now owned or on hand by any corporation now authorized to manufacture or sell or distribute ice in Texas."

The amendment was adopted.

Mr. Holder offered the following amendment to the bill:

Amend caption to conform with all changes in amendments.

The amendment was adopted.

Mr. Anderson moved the previous question on the engrossment of the bill, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 9 then failed to pass to engrossment by the following vote:

Yeas—53.

Albritton.	Coltrin.
Baker.	Cox of Lamar.
Baldwin.	Cox of Limestone.
Beck.	Davis.
Bounds.	DeWolfe.
Carpenter.	Dunlap.

Enderby.	Montgomery.
Ewing.	Moore.
Graves of Erath.	Patterson.
Harper.	Petsch.
Harrison.	Prendergast.
Heaton.	Purl.
Hines.	Ray.
Holder.	Reader.
Hornaday.	Richardson.
Johnson	Savage.
of Dimmit.	Shelton.
Johnson of Smith.	Smith.
Johnson of Scurry.	Tillotson.
Justiss.	Van Zandt.
Kayton.	Veatch.
Keller.	Webb.
Kinnear.	Westbrook.
Land.	Williams
Lemens.	of Sabine.
Long of Wichita.	Woodall.
McCombs.	Woodruff.
McGill.	

Nays—60.

Adkins.	Mankin.
Anderson.	Mauritz.
Avis.	Maynard.
Barnett.	McKean.
Bateman.	Mehl.
Bond.	Metcalfe.
Bradley.	Minor.
Brice.	Mosely.
Brooks.	Mullally.
Chastain.	Negley.
Finn.	Palmer.
Finlay.	Pavlica.
Forbes.	Pool.
Gerron.	Pope of Jones.
Giles.	Quinn.
Graves	Renfro.
of Williamson.	Rogers.
Hardy.	Sanders.
Harman.	Sherrill.
Hefley.	Shipman.
Hogg.	Simmons.
Hopkins.	Sinks.
Hubbard.	Snelgrove.
Jenkins.	Stephens.
Keeton.	Stevenson.
Kennedy.	Strong.
Kincaid.	Tarwater.
King.	Thompson.
Lee.	Wallace.
Long of Houston.	White.

Absent.

Ackerman.	Martin.
Conway.	Morse.
Cox of Navarro.	Pope of Nueces.
Duvall.	Rountree.
Eickenroht.	Shaver.
Gates.	Speck.
Gilbert.	Storey.
Kemble.	Thurmond.

Turner.
Waddell.
Walters.
Warwick.

Wiggs.
Williams
of Travis.

Absent—Excused.

Acker.
Jones.
Kenyon.
Loy.
McDonald.
Nicholson.

Olsen.
O'Neill.
Reid.
Williams
of Hardin.

Paired.

Mr. Young (present), who would vote "nay," with Mr. Harding (absent), who would vote "yea."

Mr. Murphy (present), who would vote "nay," with Mr. Fuchs (absent), who would vote "yea."

Mr. Barnett moved to reconsider the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 11, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 231, A bill to be entitled "An Act to authorize the Railroad Commission of Texas, or any member or designated employee thereof, to hold joint or co-operative hearings with the Interstate Commerce Commission or its accredited representative within the State of Texas, or any other State in the Union, or District of Columbia; to authorize the members of the Railroad Commission of Texas or any member thereof to accept the provisions of any law that may be passed by the Congress of the United States authorizing State regulatory bodies to act for, with or as a part of the Interstate Commerce Commission in dealing with any interstate transportation matter; and declaring an emergency."

S. B. No. 287, A bill to be entitled "An Act to amend Articles 6205, 6221 and 6227, of Title 109, of the Revised Civil Statutes of 1925, and to amend Article 6214 of Title 109, of the Revised Civil Statutes of 1925, as amended by Chapter 95 of the General Laws of the Fortieth Legislature, and to add Article 6222a, and declaring an emergency."

S. B. No. 309, A bill to be entitled

"An Act providing for the sale by the Texas Prison Board of 5.72 acres of land adjoining the Imperial State farm to Benjamin Clayton; regulating the manner, terms and price of the sale, authorizing and empowering the Texas Prison Board to make the sale and authorizing the chairman or vice-chairman to execute a deed of conveyance, to be attested by the board's secretary; and creating an emergency."

S. B. No. 312, A bill to be entitled "An Act to define license tax, regulate and control recreation establishments, fixing penalties for violation of said act; and declaring an emergency."

S. B. No. 351, A bill to be entitled "An Act appropriating the sum of twenty-five thousand (\$25,000) dollars, or so much thereof as may be necessary, for the compensation and expenses of the commissioner appointed by the Supreme Court of the United States under the decree of that court based upon its opinions of December 5, 1927, and April 9, 1928, in Cause No. 2, original in equity, October term, 1927, styled State of New Mexico, complainant, vs. State of Texas, to locate and mark upon the ground the boundary line between the State of Texas and the State of New Mexico under the judgment of the said court; and declaring an emergency."

S. B. No. 392, A bill to be entitled "An Act to amend Section 143, Chapter 25, General Laws of the Thirty-ninth Legislature, as amended by Section 3 of Chapter 107, General Laws of the Fortieth Legislature, First Called Session, by inserting the words 'the county or counties in which such district is situated' in lieu of the words 'the board of directors, supervisor or other governing body of such district,' repealing all laws in conflict therewith; and declaring an emergency."

S. B. No. 393, A bill to be entitled "An Act to provide for the conversion of navigation districts created and organized under Section 52 of Article 3 of the Constitution of the State of Texas, into navigation districts under the reclamation and conservation provisions of Section 59 of Article 16 of the Constitution, defining and declaring the powers of all navigation districts heretofore organized and created or hereafter organized and created irrespective of the law under which they were created; and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

Senate bill No. 266, to the Committee on Highways and Motor Traffic.

Senate bill No. 270, to the Committee on Highways and Motor Traffic.

Senate bill No. 279, to the Committee on Highways and Motor Traffic.

Senate bill No. 320, to the Committee on Highways and Motor Traffic.

Senate bill No. 366, to the Committee on Highways and Motor Traffic.

Senate bill No. 388, to the Committee on Game and Fisheries.

Senate bill No. 26, to the Judiciary Committee.

Senate bill No. 253, to the Committee on Labor.

Senate bill No. 316, to the Committee on Conservation and Reclamation.

Senate bill No. 317, to the Committee on State Affairs.

Senate bill No. 258, to the Committee on Appropriations.

Senate bill No. 462, to the Committee on Judicial Districts.

Senate bill No. 483, to the Committee on Highways and Motor Traffic.

Senate bill No. 306, to the Committee on Highways and Motor Traffic.

Senate bill No. 319, to the Committee on Privileges, Suffrage and Elections.

Senate bill No. 389, to the Committee on Highways and Motor Traffic.

Senate bill No. 405, to the Committee on Highways and Motor Traffic.

Senate bill No. 411, to the Committee on Education.

Senate bill No. 451, to the Committee on Education.

Senate bill No. 448, to the Committee on Highways and Motor Traffic.

Senate bill No. 269, to the Committee on Criminal Jurisprudence.

Senate joint resolution No. 2, to the Committee on Constitutional Amendments.

Senate bill No. 231, to the Committee on State Affairs.

Senate bill No. 287, to the Committee on State Affairs.

Senate bill No. 309, to the Committee on Penitentiaries.

Senate bill No. 312, to the Committee on State Affairs.

Senate bill No. 351, to the Committee on Appropriations.

Senate bill No. 392, to the Committee on Conservation and Reclamation.

Senate bill No. 393, to the Committee on Conservation and Reclamation.

RELATING TO REMODELING THE TAX LAWS.

The following communication was ordered printed in the Journal:

An Urgent Need for Remodeling Our Tax Laws.

Although well meaning in purpose and at the time of their original enactment designed equitably to distribute the tax burden, our tax laws, although amended and supplemented from time to time, are in sore need of adjustment to the changes in our industrial life which, with the progress of time, have brought into being new and in most instances more profitable types of property and employment. That we have persisted, and are still persisting, in a taxation policy no less unfitted to the times in which we live than unjust to the taxpaying public is not to our credit; a policy which, when viewed in the light of its inconsistencies and, more particularly, its ultimate effect upon the future of the soil which provides our substances and the homes which shelter the people, is rapidly becoming as a governmental policy more confiscatory than protective. In principle a uniform rate of tax imposed upon property, irrespective of its earning ability or the hazards confronting its operation, is unsound. To persist in bonding and taxing real property for public improvements to be enjoyed alike by those who are escaping, and those who are responding to, the fiscal requirements of the government, State and local, is little short of an iniquity.

The Fortieth Legislature, wise to the exigencies of a situation no longer quiescently to be endured, and prompted by a desire to remedy the wrongs and thus cure the evils in our taxing system, provided by concurrent resolution for a tax survey commission consisting of fifteen members. Upon this commission was imposed the duty of making a thorough examination into all matters pertaining to taxation, both in Texas and other States, and to formulate a report based on such findings to be submitted to the Forty-first Legislature; the manifest purpose of which was to aid the law-making body in the work of revising our tax laws to the end that the burden might be equitably distributed, thus placing it, in proper proportion, where rightfully it belongs. To quote the report of said commission:

"In accordance with the provisions of the resolution, the committee held its first meeting at Austin on May 9, 1927, and perfected organization by electing Hon. O. B. Colquitt as chairman; as vice-chairman, Senator Edgar E. Witt; and as secretary, Hon. Claude Teer. Upon motion, unanimously adopted, State Tax Commissioner F. C. Weinert was invited to sit with the committee."

It is a matter of common knowledge that while the work was in progress, a suit was instituted assailing the legal status of the committee as a whole and, in particular, that of the legislative members thereof; that an injunction was issued restraining the Comptroller from issuing warrants for services and expenses to such legislative members, and that the cause was appealed to the Supreme Court, the relator still contending that the committee as a whole has no legal status. At the time of the preparation of this, the annual report of the State Tax Commissioner, the cause is still pending before the Supreme Court.

Nevertheless, the personnel of the committee, other than legislative members, not being affected by the injunction, the committee was of the opinion that in compliance with the terms of the resolution under which it was attempting to function and in so far as it might be done in keeping with the terms of the injunction, such report as under the circumstances might be formulated should be prepared and submitted, it being the judgment of the committee that the work of investigation and assembling of statistics had progressed as far as under the limitation of its authority it could be extended.

After having rendered valuable service, including the preparation of a comprehensive report supported by statistical data, Chairman Colquitt resigned as official head of the committee, whereupon ex-Senator John G. Willacy was elected as his successor. A special committee was provided for, to be composed of Chairman Willacy and two other members, and authorized to formulate a final report. Chairman Willacy appointed to serve thereon ex-Senator John M. Henderson and Dr. E. T. Miller, professor of economics, University of Texas. Prompted by the hope that the higher court might sustain the constitutionality of the resolution as a whole and believing that, in the selection of the personnel of the special committee, proper recognition should be given to both House and Senate, the work was

deferred for a period. However, as after the lapse of considerable time no final decision had been forthcoming, the special committee composed of members not affected by the injunction, collaborating with Hon. C. E. Nicholson, member of the House of Representatives; Senator A. J. Wirtz, member of the Senate; and Hon. F. C. Weinert, State Tax Commissioner, each acting upon invitation and in a voluntary capacity, proceeded to prepare, and did prepare, a final report subject to approval. Inasmuch as said report has received approval upon the part of a majority of the whole committee and has been published in the Journals of the Legislature, I feel privileged in this my annual report to endorse in all respects the finding and recommendations submitted by the Tax Survey Commission. Having been accorded the privilege of sharing in the deliberations, your State Tax Commissioner is familiar with all the facts which as a whole form the basis of the report as submitted.

Should Get Away From Hypocrisy.

Our organic law declares that taxation shall be equal and uniform; that all property shall be taxed in proportion to its value. And yet even the most casual examination into the operation of our tax laws can lead to but one conclusion: that as now administered this solemn declaration of the Constitution is but a meaningless phrase. To be consistent, we should either provide means by which equality and uniformity in taxation shall be an accomplished fact or by repeal of the equality clause in our Constitution get away from the hypocrisy of professing that which we have no intention of enforcing. In the absence of uniformity in assessments there can be no such thing as equality in taxation. In exact proportion a value is uniformly assessed the rate of tax becomes variable. The present State ad valorem tax of 35 cents upon the \$100 of assessed valuation when imposed upon property assessed at 50 per cent of true value operates as a rate of but 32 1-2 cents upon 100 per cent value; when imposed upon property assessed at 40 per cent of true value, it operates as a rate of but 26 cents upon 100 per cent value; when imposed upon property assessed at 30 per cent of real value, it operates automatically as a rate of but 19 1-2 cents upon 100 per cent value. Property unassessed escapes, of course, entirely. It is with this latter phase of our taxing system as administered, although discrepancies in assessments of

property spread upon the tax rolls are obvious enough, that in an effort to arrange a more equal and uniform distribution of the tax burden we are most directly concerned.

Intangible Value Escapes.

Intangible value, although upon the average more profitable than is that attributed to physical property, largely escapes taxation. Nor can it be successfully denied that land and other physical property, although less profitable, have been and are now bearing an unjust share of the tax burden; nor that, as a means of equitably distributing the burden, the ad valorem tax, due more to methods used in its administration than to the principle upon which it is predicated, has proven more an agency of inequality than of equality in taxation. And, too, in a spirit of candor it must be admitted that intangible value, more particularly that arising from qualities of a quasi-public nature, or the direct protection accorded by the State or political subdivisions, or from peculiar economic conditions, is more difficult to determine than is that of physical property when measured by its theoretical "sale or market value." And it is to be admitted, and with full respect, both as to their ability and intelligence, toward assessing authorities, that means are not available to the average tax assessor or county boards of equalization by which intangible value may be ascertained.

And yet this does not in the slightest respect alter the fact that to a very great extent intangible wealth, although no less taxable under the law than is physical property, is escaping; nor that in its rightful proportion it should be assessed and taxed. Neither does it qualify the decisions of our own Supreme Court in the case of *Lively vs. M. K. and T. Ry.*, 102 Texas, 557; 120 S. W. 885, wherein the court in discussing Section 11, Article 8, of the Constitution, said:

"Act of 1905 requiring the valuation of the 'intangible assets' of railway companies by a State tax board is not in contravention of this section, requiring railroad property to be assessed in the county where it is situated."

And of Section 14 (election of assessors):

"Act of 1905 authorizing the assessment by a State tax board of the 'intangible assets' of several railway companies, to be distributed among the several counties through which the rail-

ways run, is not in contravention of this section.

"While it seems intended by the Constitution that all ordinary assessments of property for taxation should be made by the county tax assessor, it was not intended to deprive the Legislature of the power to devolve the duty upon other officers in special cases, where the county assessors are clearly unable to value the intangible assets as a whole or intelligently apportion the valuation among the various counties. The Legislature was authorized to provide a mode of ascertaining such values by the requirements of Section 1 of this article, that taxation shall be equal and uniform."

And of Section 18 (equalization of taxes):

"The equalization referred to in this section is of the character of property which is required to be assessed in the county under Section 11 of this article."

No Co-Operation by Assessing Authorities.

In so far as concerns the character of property required to be assessed in the county wherein it is situated and yet obedient to the declaration of the Constitution that "all property in this State" shall be taxed in proportion to its value, it is admittedly true that notwithstanding this solemn declaration, nor the ministration of county boards of equalization, there exist marked discrepancies in assessment of property, real estate in particular, owned or held in the same county; no less pronounced, in fact, than are those as between the different counties. Nor need any other condition be expected nor hoped for so long as 253 county assessing authorities functioning in 253 separate jurisdictions, mostly widely apart, with no general system of co-operation, are left to their own judgment and motives, subject to no central control.

As stated in the report of the tax survey committee, the general property tax is used not only by the State, but by the counties, incorporated places and districts. In 1922 the State and other taxing jurisdictions of the State collected from the general property tax \$94,890,000. Which with a multiplicity of bond issues and assessments to pay interest and sinking fund, fell principally upon real property; increased assessments, most of it likewise against real estate, in each instance absorbing by taxation more and more of an already inadequate return from labor and investment upon and in farming and

home property, the future with respect to these, except in some way relief may be forthcoming, is discouraging. In such circumstances a constantly increasing delinquent tax record is not to be wondered at. To the contrary, it is but the logical sequence of a topheavy tax burden, no small part of which may be traced to our public policy of permitting irresponsible, non-taxpaying citizens the unrestricted privilege of voting indebtedness to be paid in taxes by those who, owning farms and other physical property, must do the paying. Furthermore, your commissioner is of the opinion that in no small number of instances the farms and unpretentious homes in particular, the assessed values placed thereon are in excess of the sums for which they could be sold.

Collection of Delinquent Taxes.

It is not to be understood that your State Tax Commissioner is opposed to a vigorous policy in the collection of delinquent taxes. He does contend, however, that in no small number of instances delinquencies are the result more of exhaustion of ability to pay rather than of disinclination to respond to the public need. Toward such delinquents the State, in the majesty of its great wealth and power, can better afford to be tolerant than oppressive. Certainly it should refrain from violating its own doctrine. To crush down upon those who are already in distress would neither promote the general welfare nor insure domestic tranquility.

Collection of delinquent taxes should proceed, but in a sane, sensible manner. The many fees and charges now permitted against the delinquent should be abolished. In particular, that usurious provision in the statute providing that when property is sold for taxes the purchaser thereof may charge 100 per cent profit should the distressed delinquent wish to redeem, should be repealed. It has no rightful place in a democracy. The interests of the speculator are in nowise paramount to those of the delinquent citizen. Although the provision of the statute referred to seems to have gotten around the fact somehow, still there is more in life than money. Delinquents amply able to pay should with a determined mind be made to pay. Those who, due to adversity, are unable to pay should be given full opportunity to redeem, and this with no usurious charges attached.

Exemptions.

There is an alarming tendency to un-

duly increase exemptions from taxation, as such exemptions necessarily increase the burdens of those who are already bearing an unequal portion of our taxes. This unjust tendency not only applies to Texas, but to other States as well. What proportion of property in Texas is exempt by law is unknown, as we have no record. The last amendment to our State Constitution on this subject recently adopted by the indifferent people will materially augment this injustice. Statistics show that exemptions in New York increased from \$381,178,701 in 1894 to \$4,633,024,735 in 1925. This proportion, I fear, will also apply to Texas.

Section 10, Article 8, of our State Constitution says:

"The Legislature shall have no power to release the inhabitants of, or property in any county, city or town, from payment of taxes levied for State and county purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by vote of two-thirds of each house of the Legislature."

I fear that this clause "of great public calamity" in Texas in recent years has also been greatly abused, to the detriment of large sections of our State, which, perhaps, were more entitled to such consideration than some of those materially benefited by such special acts. I am glad to record that the ruling of our able and fearless Attorney General has probably checked this growing evil.

Bonds.

The practice of issuing bonds and encumbering prosperity on a popular vote must be checked. On bond issues only bona fide property taxpayers should be entitled to vote and obligations should be paid annually as the money is collected from our people. These long-term obligations are a menace. It is always unsafe to authorize anyone or any political body of men to reinvest a sinking fund. The surest and best way is to collect and pay as there are funds available. Make bonds serial, so the proper proportion can be paid each year.

The practice that some of our local governments adhere to of issuing bonds in satisfaction of debts incurred without the consent or knowledge of the people, fixing a lien, especially upon real estate, has become a menace to our people and should be promptly remedied.

During our last National campaign,

Governor Al Smith, Democratic nominee for President, in espousing relief for our agricultural interest, asserted that the greatest menace to this basic industry existed in local over-taxation. Our late Democratic State platform on agriculture contains the following paragraph, to which I fully subscribe: "Consideration should be given by the Legislature and the Executive to means for improving agricultural conditions. Every effort should be made by our State government, consistent with the Constitution and in co-operation with the National government, to alleviate depression in agriculture and in rural living conditions."

It is within the power of the Legislature to carry out this mandate of its platform for relief to the farmer by revising our antiquated and discriminating tax system to the end that justice will be done to the agricultural interests.

In conclusion, I wish to state that I believe in the sacredness of a home; without a home, a mother cannot properly function and our liberty and very existence as a free people is at stake; and since we are so liberal in omitting, remitting and exempting, I would suggest as most meritorious and fair that Section 1, Article 8, of our State Constitution, be so amended that in addition to the exemption of \$250 worth of household and kitchen furniture belonging to each family in this State, a humble home, occupied and owned as a home, shall be to the extent of \$2500 actual value exempt from taxation. Such provision in our organic law would, in a measure at least, reimburse an humble and patriotic people for the great wrong they have suffered on account of an antiquated and discriminating tax law allowing extortions from those who were least able to pay. We force them to pay not on equities, but debts they owe, and let others who enjoy privileges and protection escape. Our tax laws are not only antiquated, but their proper enforcement is grossly neglected.

When 81 counties of 250 in the State make no assessments whatever of money and 130 no assessments of credits and 217 counties no assessments of bonds and stocks, and when these figures include many of our wealthiest counties in the State, and when it can truthfully be stated that not five per cent of our intangible personal property is rendered for taxation, it seems to me that the time to stop, think and act has come. In New York in the course of fifty-five

years the personal property tax has dropped from 22 per cent of the general property tax to less than 1 1-2 per cent. The tendency of money and credits to escape from taxation, when subject to the general property tax rates, has led some fifteen States to adopt a low rate of tax on such property only. Minnesota's experience with a low tax rate is as follows: 1910 (old law) rendered, \$13,919,806; 1926 (new law) rendered, \$414,072,314.

Other States had the same experience and now substitute other methods of taxation in place of a property tax on intangible and tangible personal property. Some States, New York among others, adopted a personal income tax system and other States a stamp system on mortgages and other evidence of debt before permitting the recording of same. Our Federal government, wise to the situation, collects its taxes in advance by fixing a low rate of interest on its obligations and exempting them, to offset, from taxation. The Tax Commissioner of New York states: "As our communities become more highly organized socially and economically the inherent perplexities in the endeavor to tax personal properties increase." These same "perplexities" apply to Texas. The principles, "ability to pay" or "benefits received," are totally ignored. Real estate, regardless of either principle, cannot shift nor escape and must bear the burden, hence the calamity that real estate no longer has any stable value. To allow a class of people who share not in the responsibility of a financial obligation and often influenced by the agents of bond brokers to plaster a lien upon a humble citizen's home is, to say the least, a crime; hence my recommendation of "partial exemption."

It is with no small pleasure and no less in the interest of good understanding that, as a part of this annual report, there is attached thereto the report of the State Tax Survey.

Respectfully submitted,

F. C. WEINERT,
State Tax Commissioner.

ADJOURNMENT.

Mr. Anderson moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Hardy moved that the House recess to 10 o'clock a. m. tomorrow.

Mr. McCombs moved that the House recess to 9 o'clock a. m. tomorrow.

Mr. Finlay moved that the House adjourn until 9 o'clock a. m. tomorrow.

The motion of Mr. Anderson prevailed, and the House, accordingly, at 6:35 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Game and Fisheries: House bills Nos. 570, 137.

Highways and Motor Traffic: House bill No. 593.

Conservation and Reclamation: House bill No. 618; Senate bills Nos. 367, 240, 241.

Privileges, Suffrage and Elections: Senate bill No. 141.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 9, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred
H. B. No. 319, A bill to be entitled "An Act to amend Chapter 42 of the Acts of the Thirty-ninth Legislature, passed at its Regular Session, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, February 11, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 232, A bill to be entitled "An Act placing a closed season on wild prairie chickens in certain counties, providing a penalty for the violation of same; and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, February 11, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 195, A bill to be entitled

"An Act providing that all sales of real estate for the collection of delinquent taxes due thereon shall be made only after foreclosure of tax lien securing same in accordance with existing laws governing delinquent tax foreclosure suits, etc., and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, February 11, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 523, A bill to be entitled "An Act to levy and collect annually a three-dollar road tax against all able-bodied male citizens of Childress county, Texas, who are between the ages of twenty-one and forty-five years, providing the manner of assessment and collection of said tax, etc., and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, February 11, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 539, A bill to be entitled "An Act to authorize the commissioners court in each county having a population of not less than 10,015 and not more than 10,040, as shown by the United States census of 1920, to pay the sheriff of such county for summoning jurors in district or county courts, serving all legal notices, notices to overseers of roads, and doing all other public business for which compensation is not otherwise provided for, not exceeding \$2500 per annum, to be fixed by the commissioners court at the same time other ex-officio salaries are fixed,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, February 11, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 92, A bill to be entitled "An Act making it lawful for the com-

missioners court of Clay, Archer, Baylor, Young, Wise, Wilbarger, Wichita, Coryell, Callahan, Jackson, Eastland, Wharton and Brazos counties to pay out of the general fund of such counties bounties for the destruction of predatory animals, providing that on petition of 200 freeholders the commissioners court of such county may provide the amount of bounty and method of proof to entitle claimant to obtain such bounty, and prescribing the manner of payment, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, February 11, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 156, A bill to be entitled "An Act amending Article 1838, Chapter 3, Title 37, of the Revised Civil Statutes of 1925, as amended, relating to the transfer of cases in Courts of Civil Appeals, so as to make provision for the clerk or his deputy to accompany the justices of the court to the place to which cases have been transferred to discharge the duties of his office in connection with such transferred cases, etc., and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, February 11, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 565, A bill to be entitled "An Act to levy and collect annually a

three-dollar road tax against all able-bodied male citizens of Foard county, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict therewith, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, February 11, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 557, A bill to be entitled "An Act to amend Chapter 78 of the Local and Special Laws created by the Thirty-sixth Legislature, at its Regular Session in 1919, same being a special road law for Erath county, as same is amended by Chapter 123, Special Laws of the Fortieth Legislature at its Regular Session in 1927, by changing the date in Section 2a therein from March 1, 1927, to January 1, 1929, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,
Austin, Texas, February 11, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 532, A bill to be entitled "An Act to provide for the appointment of an assistant district attorney in certain counties, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

In Memory
of
Hon. T. C. McFarland

Mr. Stevenson offered the following resolution:

Whereas, Honorable T. C. McFarland, a former member of this House, elected from Victoria county, Texas, died at his home in San Antonio, Texas, on February 6th, 1929, and was laid to rest the following day at San Marcos, Texas, attended by a large concourse of sorrowing friends and relatives; and

Whereas, Mr. McFarland was a member of this House during the Twenty-fourth and Twenty-fifth Legislatures and took an active interest in all matters pertaining to the welfare of all the people, was a vigilant defender of the rights and privileges of the humblest citizen, and was a firm believer in Democratic doctrines and Democratic principles; and

Whereas, We have heard with regret of his recent death and realize that when his life came to its peaceful close the State lost one of its distinguished citizens; now, therefore, be it

Resolved, by the House of Representatives of the Forty-first Legislature, That we express our sympathy to the bereaved relatives of the deceased, that a page of the House Journal be set aside today as a memorial to Mr. McFarland of his faithful, patriotic and honorable service to his country, and that when the House adjourns today it do so in respect to him, and that a copy hereof be furnished to his family.

The resolution was read second time and was adopted by a rising vote.

In Memory
of
Col. Napoleon Bonaparte Barbee

Mr. Long of Houston offered the following resolution:

Whereas, At an early hour on Friday afternoon, December 28, 1928, in the city of Crockett, the noble, efficient and eventful life of Colonel Napoleon Bonaparte Barbee came to its eventful close as peacefully as the golden dawn dispels the darkness; and

Whereas, He fought bravely and faithfully in the cause of Southern Democracy during the entire time of the four years of civil war between the States, bringing honor and glory to his loved State; and

Whereas, He served with honor and distinction in the House of Representatives of the Twenty-fifth and Twenty-sixth Legislatures, representing the Thirtieth Legislative District of Texas, composed of Houston county, and for over seventy years yielded his facile pen and contributed unselfishly of his time and rare talents in the upbuilding and stabilization of our present political, social and moral structure; and

Whereas, He was a gentleman by birth, breeding and education and had imbibed the splendid social and political traditions of his beloved Southland, and had always reflected that loyalty and devotion from earliest manhood until the end; and

Whereas, He gave freely his unreserved allegiance to the precepts and teachings of the Great Teacher and early affiliated himself with the Methodist Church, in which field he humbly bowed, worshipped and taught at the foot of that cross where he found peace with the lowliest as well as the loftiest of the sons of man;

Therefore, We, the signers of this resolution and others who are privileged to follow in his footsteps, request that this memorial be entered in the Journal of the House, and that the Clerk forward a copy hereof to the family of this splendid citizen, soldier and statesman, whose worthy memory it will serve to commemorate; and be it further

Resolved, That when the House adjourns today it will be in memory of Colonel Barbee.

LONG of Houston,
BARRON,
STRONG.

The resolution was read second time and was adopted by a rising vote.